

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
AT NASHVILLE

CHAD A. COLLINS)
)
v.) NO. 3:04-0897
) JUDGE CAMPBELL
CORPORAL NIXON, et al.)

ORDER

Pending before the Court is a Report and Recommendation of the Magistrate Judge (Docket No. 50), dated November 3, 2005, to which no objections have been filed. The Court has reviewed the Magistrate Judge's findings and the record.

The Magistrate Judge's Report and Recommendation (Docket No. 50) is ADOPTED and APPROVED. Accordingly, Defendants' Motion for Summary Judgment (Docket No. 36) is GRANTED in part and DENIED in part.

Summary judgment is granted as to Defendants Frierson, Cecil and Thomas, and all claims against those three Defendants are dismissed. In addition, all claims against Defendant Nixon are dismissed without prejudice for failure to effectuate timely service of process.

The remaining First and Eighth Amendment claims against Defendants Haywood and Salsbury will be tried, as previously scheduled, on January 31, 2006.

IT IS SO ORDERED.

Todd Campbell

TODD J. CAMPBELL
UNITED STATES DISTRICT JUDGE

